

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room      302**

9:30 AM

**1:12-19998    Process America, Inc.**

**Chapter 11**

**#1.00    Motion Pursuant To Bankruptcy Rule 9019(A)  
For An Order Approving Settlement Between  
Debtor And Craig Rickard**

Docket      444

**\*\*\* VACATED \*\*\*    REASON: Order ent continuing hrg to 7/11/17 at  
10:00 a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

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**1:12-19998 Process America, Inc.**

**Chapter 11**

**#2.00** Motion Pursuant To Bankruptcy Rule 9019(A)  
For An Order Approving Settlement Between  
Debtor And Keith Phillips

Docket 445

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 7/11/17 at  
10:00 a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

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**1:13-15992 Koroush Eissakharian**

**Chapter 7**

**#3.00** Application to Employ The Law Offices Of Nico N. Tabibi, APC as Special Collections Counsel

Docket 105

**Tentative Ruling:**

Newpoint International, Inc. ("Movant") opposes the employment of the Law Offices of Nico Tabibi ("Applicant") as Special Collections Counsel, arguing that the motion should be stayed pending resolution of the appeal in L.A. Gab Tex. Inc. v. Newpoint International, Inc. et al., Case No. BC497319 (the "State Court Action"), where a judgment was entered against Movant.

Trustee Nancy Zamora ("Trustee") in reply contends that the opposition is a delay tactic to postpone the judgment debtor examination and to attain an improper stay of the judgment pending appeal.

Analysis

Section 327(e) provides for a special purpose appointment:

The trustee, with the court's approval, may employ, for a specified special purpose, other than to represent the trustee in conducting the case, an attorney that has represented the debtor, if in the best interest of the estate, and if such attorney does not represent or hold any interest adverse to the debtor or to the estate with respect to the matter on which such attorney is to be employed.

11 U.S.C. §327(e).

A special purpose attorney who represents the debtor does not need to be "disinterested"; it is sufficient that he or she does not hold or represent interest adverse to the estate "with respect to the matter on which such attorney is to be employed." Honarkar v. GSM Wireless, Inc., 2008 U.S. Dist. LEXIS 72840, \*26 (C.D. Cal. 2008)(Holding that a debtor may employ a special purpose counsel who represented a creditor, so long as the requirements of §327(e) have been met.).

Movant's asserts that the application did not disclose the State Court Action in the

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**CONT...**

**Koroush Eissakharian**

**Chapter 7**

bankruptcy case and the possibility that attorney's fees to be returned to Newpoint if it prevails on the appeal. These concerns are not sufficient to find that Applicant holds an adverse interest to the estate. The application fairly disclosed the applicant's representation of both Debtor and Debtor's wholly owned S-Corp, L.A. Gab Tex, Inc. in the State Court Action. ECF No. 105, ¶12. Approval of this application is also in the best interest of the estate as it would allow the case to proceed with matters related to the bankruptcy, outside of the pending appeal of the State Court Action.

Motion GRANTED. APPEARANCE REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Koroush Eissakharian

Represented By  
Stephen L Burton

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Lindsey L Smith  
Levene Neale Bender Rankin & Brill LLP  
Edward M Wolkowitz  
Jeffrey S Kwong

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**1:16-11426 New Gold, LLC**

**Chapter 11**

**#4.00** U.S. Trustee Motion to dismiss or convert under  
11 U.S.C. § 1112(b) with Or Order Directing Payment  
Of Quarterly Fees And For Judgment Thereon,

Docket 67

**Tentative Ruling:**

Having considered the Stipulation between United States Trustee and Debtor to Dismiss Case, and creditor Caldwell's objection thereto, the Court finds cause to continue the hearing on this Motion to Dismiss to **June 14, 2017 at 9:30 a.m.**

Order to issue continuing this hearing.

NO APPEARANCE REQUIRED ON 5/3/17

<b>Party Information</b>
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**Debtor(s):**

New Gold, LLC

Represented By  
Teresa A. Blasberg

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**1:16-11961 Stronghold Asset Management Corp.**

**Chapter 11**

**#5.00** Motion for Authority of Debtor to Sell Real Property of the Estate Free of Liens, Claims or Interests

Docket 47

**Tentative Ruling:**

Stronghold Asset Management Corp. ("Debtor") moves for authority to sell the real property located at 5021 Topeka Dr., Tarzana CA 91356 (the "Topeka Property") free and clear to Fahd Soliman ("Buyer"), at a purchase price of \$2,175,000 ("Sale Motion"). Debtor also seeks the authority to pay a sales commission of \$65,000 to its agent, Pacific Horizon Realty, and \$20,000 to the Law Offices of Louis J. Esbin.

**1. United States Trustee Objection**

The United States Trustee ("UST") objects to carve outs for the two professionals. UST is concerned with the lack of an employment application for Pacific Horizon as required by 11 U.S.C. §327 and Fed. R. Bankr. P. 2014(a). See Shapiro Buchman LLP v. Gore Brothers (In re Monument Auto Detail, Inc.), 226 B.R. 219, 224 (B.A.P. 9th Cir. 1998). UST reiterates its concern as to the \$20,000 carve out for Debtor's counsel: that Debtor has not filed a fee application to determine the reasonableness of the \$20,000 carve out as required under 11 U.S.C. §330(a)(3).

In reply, Debtor concedes that it has not filed the requisite applications and avers that the application to employ Pacific Horizon will be filed prior to the hearing. No such application has been filed. Debtor states that it will also file a fee application for Debtor's counsel after the approval of the sale motion and qualifies that no payments will be made to counsel until such disbursements are authorized via the Court's order.

Analysis – the OUST objection is well-taken. If the sale is approved, there is to be no distribution to the real estate agent or to Debtor's counsel without further order of the Court. The balance of the sale proceeds can remain in escrow or can be transferred to Mr. Esbin's client trust account.

**2. PennyMac Corp. Objection**

PennyMac Corp. ("Creditor") also opposes the motion, contending that it fails to

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**CONT... Stronghold Asset Management Corp.**

**Chapter 11**

comply with LBR 9013-1(d) and 6004-1(c) and fails to disclose information with respect to the value of the Topeka Property.

LBR 6004-1(c) and LBR 9013-1(d) govern notice of motions selling substantially all of the debtor's assets in a chapter 11, requiring notice be served "not later than 21 days before the hearing date." LBR 9013-1(d)(1). The Sale Motion was properly notice and served on April 12, 2017, twenty-one days before the hearing date. See ECF No. 47.

Creditor also asserts that the Sale Motion was brought prematurely as the material issue of the Topeka Property's value remains unresolved, and that Debtor has not shown that the sale is actually in the best interest of creditors.

Debtor replies that the sale price will establish the Topeka Property's value under § 506(a). See 11 U.S.C. §506(a)(1)("Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.").

Analysis; Debtor's reasoning as to value would apply if indeed the sale was shown to be an arm's length sale transaction and proven to be thoroughly marketed. It has not provided evidence as to either point.

Further, although the PennyMac lien of \$2.7 million at the time of filing is not disputed, contingent, or unliquidated, Debtor seeks to sell the property free and clear but makes no mention of how it falls within any of the five provisions of 11 U.S.C. § 363(f). Under §363(f), the trustee may sell property of the estate free and clear of any interest in such property of an entity other than the estate, only if:

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

11 U.S.C. §363(f).

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**CONT...      Stronghold Asset Management Corp.**

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Debtor states that the property will bring in sufficient equity to pay in full all liens against the property. However, by Debtor's own calculations, PennyMac would only receive \$1,969,684.58 where its lien totals \$2,685,720.06. See Sale Motion, iii:14-23.

Motion to Sell DENIED. APPEARANCE REQUIRED.

*\*Note: UST requested clarification on what "invoices subject to order" meant Sale Motion, iii:21. Debtor clarifies that it means "neither Pacific Horizon nor the Law Offices of Louis J. Esbin will be paid from escrow prior to the entry of appropriate court order." Reply to UST Opposition, i:14-19.*

<b>Party Information</b>
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**Debtor(s):**

Stronghold Asset Management Corp.

Represented By  
Louis J Esbin



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**1:16-11961    Stronghold Asset Management Corp.**

**Chapter 11**

**#5.01      Motion for relief from stay**

**PENNYMAC LOAN SERVICES, LLC**

Docket      37

**Tentative Ruling:**

On October 26, 2016, Movant moved for relief from stay as to real property located at 5021 Topeka Dr., Tarzana CA 91356 (the "Topeka Property"). It holds the first deed of trust on the property in the amount of \$2,685,720.06.

At the December 1, 2016 hearing, the Court on the record ordered adequate protection payments to PennyMac Corp ("Movant") in the monthly amount of \$11,715.78. No order to that effect was lodged. Debtor claims that Movant failed to lodge the order. Movant claims Debtor "would not agree to execute the proposed adequate protection order." ECF No. 50, 3:5-8.

The Topeka Property is subject to a pending sale motion. Notwithstanding, the parties must explain why an adequate protection order was never lodged and Debtor must explain why it has not made adequate protection payments.

**APPEARANCE REQUIRED.**

<b>Party Information</b>
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**Debtor(s):**

Stronghold Asset Management Corp.

Represented By  
Louis J Esbin

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**1:16-11961    Stronghold Asset Management Corp.**

**Chapter 11**

**#5.02    Status and Case Management Conference.**

fr. 9/1/16; 4/27/17, 4/26/17

Docket      1

**Tentative Ruling:**

This was continued to May 3 to be heard with the sale motion. Per the 4/25 status conference statement, it appears that the only option here is the sale. Once again, there is no explanation as to why the adequate protection payments were not made and whether the Debtor even has the ability to make them.

I am a little confused about the ownership of this property, but that may not be important right now.

What does the Debtor intend to do if PennyMac will not consent to the sale, which is a "short sale"?

<b>Party Information</b>
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**Debtor(s):**

Stronghold Asset Management Corp.

Represented By  
Louis J Esbin

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**1:16-12869 Tul Investments, Inc.**

**Chapter 11**

**#6.00** Final Application of Abbasi Law Corporation for Approval  
of Fees and Reimbursement of Expenses

Docket 116

**Tentative Ruling:**

United States Trustee ("UST") and Abbasi Law Corporation ("Counsel") stipulated to reduce Counsel's final fee application amount from \$24,464.50 to \$20,539.82 in fees (a reduction of \$3,924.68), with no reduction as to the original costs amount of \$2,733.

APPLICATION GRANTED with stipulated reduction. NO APPEARANCE  
REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Tul Investments, Inc.

Represented By  
Matthew Abbasi

**Movant(s):**

Tul Investments, Inc.

Represented By  
Matthew Abbasi

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9:30 AM

**1:17-10653 Amador Martinez Cuevas**

**Chapter 11**

**#7.00** U.S. Trustee Motion to dismiss or convert Case  
with an Order Directing Payment of Quarterly Fees and  
for Judgment Thereon

Docket 10

**Tentative Ruling:**

United States Trustee ("UST") moves to dismiss or convert as Debtor failed to provide required documents and financial reports. UST also cites Debtor's previous filings as cause to dismiss or convert:

1. 6:16-bk-10058-WJ: chapter 13 case filed on January 5, 2016 and ordered dismissed on February 18, 2016 with a 180-day bar to refiling prior to confirmation of a chapter 13 plan.
2. 6:14-bk-20305-WJ: chapter 13 case filed on August 13, 2014 and ordered dismissed on September 26, 2014 with a 180-day bar to refiling prior to confirmation of a chapter 13 plan.
3. 6:14-bk-19665-WJ: chapter 13 case filed on July 29, 2014 and ordered dismissed on August 13, 2014 for failure to file schedules, statements, and/or plan.
4. 6:14-bk-17735-WJ: chapter 13 case filed on June 13, 2014 and ordered dismissed on June 30, 2014 for failure to file schedules, statements, and/or plan.

Justine Kirby ("Creditor"), who holds a personal injury judgment claim for \$2,801,110, filed a joinder. She prefers conversion to dismissal. Creditor argues that given Debtor's past transgressions, multiple filings, and apparent attempt to manipulate the bankruptcy process, a chapter 7 trustee is needed to evaluate the properties, collect rent from the Pacoima Property, sell Debtor's properties, and distribute proceeds to creditors.

**Analysis:**

Nothing much has changed as to the schedules since the most recent chapter 13 case. There is a home at 606 N. Willow, Rialto worth \$250,000. He claims a \$175,000 exemption in the house. There is a reverse mortgage deed of trust on the house on which he owes \$113,000. As to the unsecured

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**CONT... Amador Martinez Cuevas**

**Chapter 11**

claims, in the most recent chapter 13, he asserts that Bank of America holds a deficiency from a foreclosure of \$100,452 and Justine Kirby has a contingent, unliquidated, disputed claims from an ongoing lawsuit. Debtor's income is \$1,722/mo. He shows no mortgage payments and a net income of \$230/mo.

Per the Kirby objection, she had a final default judgment for \$2.8+ million. She tried to levy on real property on Van Nuys Blvd. (apparently the place of Debtor's business), but he had transferred it to his son. She then filed a fraudulent transfer action in LASC against Cuevas and his son. She got a judgment on that. But the initial default judgment was set aside and retrial was to take place on 1/6/16, which was the reason that the fourth chapter 13 was filed - to stop the trial. The trial did take place and she again has a judgment in the millions of dollars.

This chapter 11 was filed using the Van Nuys Blvd address, though that does not appear to be either a place of residence or of business. There is a strong possibility that the Debtor has been "forum shopping" since Judge Johnson has dismissed four of his chapter 13 cases in a row. The Debtor still owns the house on Willow Ave in Rialto and claims that he also owns Van Nuys Blvd in Pacoima and lists it as "residential and commercial" with a value of \$375,000 - the "property was transferred back to Debtor by way of court order from Debtor's son." There is a \$195,000 lien on the Pacoima property.

The decision to dismiss or convert depends on "whichever is in the best interests of creditors and the estate." 11 U.S.C. §1112(b) There is no requirement that parties agree on conversion; "a single creditor with a large enough claim will suffice." In re Staff Inv. Co., 146 B.R. 256, 261 (E.D. Cal. 1992)(citing Goodrich v. Lines, 284 F.2d 874, 877 (9th Cir. 1960).

No opposition filed as of 4/30/17.

Convert this case to chapter 7. Given the multiple filings and the transfer of the Pacoima property, it is in the best interest of the creditor and the estate to have a trustee resolve matters. It is also in the best interest of the Debtor to use the chapter 7 process to obtain a discharge.

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**CONT... Amador Martinez Cuevas**

**Chapter 11**

**Debtor(s):**

Amador Martinez Cuevas

Represented By  
Michael R Lewis

**United States Bankruptcy Court  
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**1:17-10881    Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

**#8.00**    Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate (1) 16585 Montgomery Ct, Fontana, CA 92336 (2) 2014 Mini Cooper Convertible 2D I4 .

Docket        10

**Tentative Ruling:**

**Facts**

On April 4, 2017, Debtors filed this chapter 11 case. Debtors have one previous bankruptcy case that was dismissed within the previous year. The First Filing, 16-17526-MH, was a chapter 13 that was filed on 08/22/2016 and was dismissed at confirmation on 03/21/2017 because Debtors could not afford plan payments, regular monthly mortgage payments, and further wanted to negotiate with the lenders for their mortgage outside of bankruptcy.

Debtors now move for an order continuing the automatic stay as to all creditors associated with the real property located at 16585 Montgomery Court, Fontana, CA 92336 (the "Montgomery Court Property"); and auto loan 2014 Mini Cooper Convertible 2D14.

**Standard**

Generally, the burden of establishing good faith can be satisfied with a preponderance of the evidence. In re Montoya, 342 B.R. 312, 316 (Bankr.S.D.Cal.2006). When the presumption that the second case was not filed in good faith arises under 11 U.S.C. § 362(c), the presumption must be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C).

Under either burden of proof, the courts look to the totality of the circumstances to determine whether the debtor has established the good faith required by § 362(c)(3). In re Ball, 336 B.R. 268, 274 (Bankr.M.D.N.C.2006); In re Galanis, 334 B.R. 685, 693 (Bankr.D.Utah 2005). Many of the relevant circumstances coincide with the factors for determining good faith in confirmation of a chapter 13 plan. See In re Warren, 89 B.R. 87, 93 (9th Cir. BAP 1988)(listing eleven good faith factors in the confirmation context). In addition, the objective futility

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**CONT...      Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

of the case and the subjective bad faith of the debtor should be considered. In re Mark, 336 B.R. 260, 267 (Bankr.D.Md.2006). A number of courts, recognizing that certain confirmation factors, such as the type of debt and the debtor's conduct in the case, are less significant under BAPCPA, consider the following additional factors to determine good faith under § 362(c)(3):

1. the timing of the second petition;
2. how the debt(s) arose;
3. the debtor's motive in filing the second petition;
4. how the debtor's actions affected creditors;
5. why the debtor's prior case was dismissed;
6. the likelihood that the debtor will have a steady income throughout the bankruptcy case, and will be able to fund a plan; and
7. whether the trustee or creditors object to the motion to continue the stay.

See In re Baldassaro, 338 B.R. 178, 188 (Bankr.D.N.H. Feb.24, 2006); In re Ball, 336 B.R. 268, 274 (Bankr.M.D.N.C.2006); In re Havner, 336 B.R. 98, 103 (Bankr.M.D.N.C.2006); In re Galanis, 334 B.R. 685, 693 (Bankr.D.Utah 2005); In re Montoya, 333 B.R. 449, 457–58 (Bankr.D.Utah 2005).

While the factors to be considered are neither weighted nor exhaustive, In re Montoya, 333 B.R.at 458, the types of factors to be considered make it clear that two issues are very significant for purposes of determining good faith under § 362(c)(3): 1) why the previous plan failed, and 2) what has changed so that the present plan is likely to succeed. In re Elliott-Cook, 357 B.R. 811, 815 (Bankr.N.D.Cal. 2006).

**Discussion**

Nationstar Mortgage, LLC ("Creditor"), holder of the first deed of trust on the Montgomery Court Property in the claim amount of \$428,704.27, argues that Debtors have not overcome the presumption of bad faith. It points to a monthly net income of only \$254.11, which is less than Debtors' monthly net income from their previous case.

The Debtor replies that they were defrauded by a debt relief agent and were



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**CONT...      Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

forced to file the prior case in order to keep the property. Since then they have moved out and the property is now rented for an amount sufficient to pay reasonable monthly mortgage payments. They now have the ability to use chapter 11 to reorganize.

The case was filed in good faith notwithstanding the dismissal of the previous case for having inadequate means of paying creditors under a Ch. 13 plan. The presumption of bad faith is overcome as to all creditors per 11 U.S.C. 362(c)(3)(C)(i) Debtors made the effort to move out of their property in order to generate rental income, and receive more income (with their employment wages) to propose a feasible plan of reorganization. They also propose to negotiate adequate protection payments to the secured creditors.

Creditor's other concerns are regarding Debtors' ability to satisfy the absolute priority rule and whether Debtors can confirm a feasible plan of reorganization. These concerns are unripe and should be addressed at the plan confirmation stage.

MOTION GRANTED. APPEARANCE REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase

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11:00 AM

**1:12-20830   Elizabeth Anne Cava**

**Chapter 7**

**#9.00    Trustee's Final Report and Hearing on  
Applications for Compensation**

Docket      60

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 5/3/17.

<b>Party Information</b>
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**Debtor(s):**

Elizabeth Anne Cava

Represented By  
Donny E Brand

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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11:00 AM

**1:14-13443    Terela Barlis and Luis Barlis**

**Chapter 13**

**#10.00    Motion for relief from stay**

PNC BANK NATIONAL ASSOCIATION

Docket      72

**Tentative Ruling:**

**Petition Date:** 07/18/2014

Chapter 13 (Confirmed on 5/8/2015)

**Service:** Proper. No Opposition filed.

**Property:** 13706 Ottoman St. Arleta, CA 91331

**Property Value:** \$281,000 (per Debtor's Amended Schedule)

**Amount Owed:** \$171,423.71

**Equity Cushion:** 31.0%

**Equity:** \$87096.29

**Post-Petition Delinquency:** \$2,492.15 (2 payments @ \$1,250.63)

While it appears that some payments have been missed, there is a huge equity cushion. This plan should be nearing completion. Service appears proper, but Debtor is represented by counsel. Has there been any contact with Debtor or their counsel since this motion was filed?

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Terela Barlis

Represented By  
Michael D Kwasigroch

**Joint Debtor(s):**

Luis Barlis

Represented By  
Michael D Kwasigroch

**Movant(s):**

PNC Bank, National Association, its

Represented By  
Merdaud Jafarnia

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**CONT... Terela Barlis and Luis Barlis**

Kristin A Zilberstein

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:15-14026 Lissette Rivera**

**Chapter 13**

**#11.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 56

**Tentative Ruling:**

**Petition Date:** 12/9/2015

Chapter 13 (Confirmed on 5/10/2016)

**Service:** Proper. No Opposition filed.

**Property:** 604 Jumbuck LN, Bakersfield, CA 93307

**Property Value:** \$176,000 (per Debtor's Schedule)

**Amount Owed:** \$152,674.29

**Equity Cushion:** 5.25%

**Equity:** \$9,245.71

**Post-Petition Delinquency:** \$9,821.30 (11 payments @ \$962.35)

Movant requests relief under 11 U.S.C. 362(d)(1). GRANT requests relief listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant may engage in loss mitigation); **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Lissette Rivera

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room 302**

11:00 AM

**1:16-11426 New Gold, LLC**

**Chapter 11**

Adv#: 1:17-01021 Parker et al v. New Gold, LLC

- #12.00** Status Conference re: Complaint for:
- 1) Fraudulent transfer;
  - 2) Conversion;
  - 3) Creditor's Suit;
  - 4) Accounting and
  - 5) Injunctive Relief

Docket 1

**Tentative Ruling:**

An answer was filed on 4/3/17. No status conference report has been filed as of 4/30/17. This is related to the objection to claims filed by Donald Parker & related entities) and is best handled by Judge Tighe. Continue without appearance to June 21, 2017 at 11:00 a.m. Please file a joint status conference statement no later than June 14.

<b>Party Information</b>
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**Debtor(s):**

New Gold, LLC

Represented By  
Teresa A. Blasberg

**Defendant(s):**

New Gold, LLC

Pro Se

**Plaintiff(s):**

Donald C. Parker Separate Property

Represented By  
Leonard Brazil

Donald C Parker

Represented By  
Leonard Brazil

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room      302**

11:00 AM

**1:16-11426    New Gold, LLC**

**Chapter 11**

**#13.00**    Motion RE: Objection to Claim Numbers 11,12,13,14  
by Claimant Donald C. Parker and Donald C. Parker  
Separate Property Trust

fr. 1/12/17; 3/29/17

Docket      36

**Tentative Ruling:**

Continue without appearance to June 21, 2017 at 11:00 a.m.

<b>Party Information</b>
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**Debtor(s):**

New Gold, LLC

Represented By  
Teresa A. Blasberg

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room      302**

11:00 AM

**1:16-12774    Erik Francisco Villeda Aguilar and Esmeralda Christina**

**Chapter 7**

**#14.00    Trustee's Final Report and Hearing on  
Applications for Compensation**

Docket      23

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 5/3/17.

<b>Party Information</b>
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**Debtor(s):**

Erik Francisco Villeda Aguilar

Represented By  
David H Chung

**Joint Debtor(s):**

Esmeralda Christina Villeda-

Represented By  
David H Chung

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room 302**

11:00 AM

**1:17-10567 Catalina Lourdes Suarez**

**Chapter 13**

**#15.00** Motion for relief from stay

NISSAN-INFINITY LT

Docket 18

**Tentative Ruling:**

Petition Date: 03/07/2017  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 2015 Infiniti Q50  
Property Value: \$22,600 (per Movant's RFS – amount not listed in Debtor's schedules)  
Amount Owed: \$ 45,319.87  
Equity Cushion: N/A - Leased  
Equity: N/A - Leased  
Post-Petition Delinquency: \$2,503.68 (2 prepetition payments of \$834.56; 1 postpetition payment of \$834.56).

Disposition: GRANT under 11 U.S.C. 362(d)(1); and 11 U.S.C. 362(d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (waiver of the 4001(a)(3) stay); and **11** (if RFS not granted, adequate protection shall be ordered)

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Catalina Lourdes Suarez

Represented By  
Kevin T Simon

**Movant(s):**

NISSAN-INFINITY LT.

Represented By  
Michael D Vanlochem

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room 302**

11:00 AM

**CONT... Catalina Lourdes Suarez**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room 302**

11:00 AM

**1:17-10782 Sergey Sahakyan**

**Chapter 13**

**#16.00** Motion for relief from stay

SPECIALIZED LOAN SERVICING LLC

Docket 10

**Tentative Ruling:**

**Petition Date:** 3/28/2017

**Chapter:** 13

**Dismissed w/ 180-day bar:** 4/13/17

**Service:** Proper. No Opposition filed.

**Property:** 237 E. Anaheim Street #1, #2, #3, & #4, Wilmington, CA 90744

**Property Value:** N/A; No Schedule Filed.

**Amount Owed:** \$627,671.12 (as of "5/4/2017" wrong date?)

**Equity Cushion:** N/A

**Equity:** N/A

**Post-Petition Delinquency:** \$2,964.17

Movant requests relief under 11 U.S.C. 362(d)(1); and 11 U.S.C. 362(d)(2) GRANT requests relief listed in paragraphs **2** (proceed under non-bankruptcy law); **6** co-debtor stay is waived); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4) (bad faith and secured creditors); and **13** (if RFS not granted, adequate protection shall be ordered).

Movant alleges Debtor is not the Borrower or obligor on the note, that there have been multiple unauthorized transfers and multiple bankruptcy filings affecting the property that were part of a scheme to delay or hinder Movant's exercise of its rights against the property.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Sergey Sahakyan

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room 302**

11:00 AM

**CONT... Sergey Sahakyan**

**Chapter 13**

**Movant(s):**

Specialized Loan Servicing LLC, as

Represented By  
Bethany Wojtanowicz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room 302**

11:00 AM

**1:17-11112 Gee Hyun Ikuta**

**Chapter 7**

**#17.00** Motion for relief from stay

CAPSTONE EQUITY FUND LLC

Docket 7

**Tentative Ruling:**

Petition Date: 4/27/17

Ch: 7

Service: Proper on Judge's shortened time procedures. No opposition filed.

Movant: Capstone Equity Fund, LLC

Property Address: 11677 McCormick St., North Hollywood, CA 91601

Type of Property: Residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 2/8/17

UD case filed: 2/28/17

UD Judgment: N/A (trial scheduled for 4/28/17 continued due to stay)

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); and **9** (binding and effective against any debtor for 180-days).

DENY relief requested in paragraphs **10** (binding and effective for 2 years); and **11** (binding and effective against Debtor for 180 days such that no stay arises) because no grounds alleged for such relief (no repeat filings, no fractional interest transfers).

APPEARANCE REQUIRED DUE TO SHORTENED TIME

<b>Party Information</b>
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**Debtor(s):**

Gee Hyun Ikuta

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, May 03, 2017**

**Hearing Room 302**

11:00 AM

**CONT... Gee Hyun Ikuta**

Jason John Kim

**Chapter 7**

**Movant(s):**

Capstone Equity Fund, LLC

Represented By  
Lane M Nussbaum

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se